

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 26, 2018

Sloatsburg Planning Board
Village Hall
96 Orange Turnpike
Sloatsburg, NY 10974

Tax Data: 29.52-1-4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M, Section 239 N

Map Date: 12/8/2017

Date Review Received: 2/21/2018

Item: *BENNETTO PERSICHETTI (SL-224)*

A two-lot subdivision of 1.493 acres in an MU-1 zoning district. An existing single-family home will remain on Lot 1. A four-family dwelling will be retained on Lot 2. A frame shed will be relocated or removed. Storage trailers and the remains of a building will also be removed. Road frontage and side yard variances are required for Lot 2. A special permit is needed for the multi-family dwelling.

Westerly side of Orange Turnpike, approximately 1600 feet north of Park Avenue

Reason for Referral:

NYS Route 17 (Orange Turnpike), Town of Tuxedo (Orange County), Ramapo River, Sewer District #1 Pump Station

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

1. A review must be completed by the New York State Department of Transportation, and any required permits obtained.
2. As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
3. The Town of Tuxedo in Orange County is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western property line of the site. As required under Section 239nn of the State General Municipal Law, the Town of Tuxedo must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Sloatsburg.
4. A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.

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- 5 A review must be completed by the Rockland County Sewer District #1, and any required permits obtained.
- 6 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 7 The bulk table must include the parking requirement for the residential use on each parcel.
- 8 Parking spaces must be delineated on the site plan, and in the field, to ensure that there is sufficient parking for the residential use on each parcel
- 9 The Planning Board shall be satisfied that the existing multi-family structure complies with the special permit procedures outlined in Section 54-36, as well as the individual standards contained in Section 54-37.O. We believe a variance is needed from Section 54-37.O.1, which requires 10,000 SF of lot area per unit. While the gross lot area of Lot 2 exceeds 40,000 SF, the net lot area is 12,092 SF. Clarification must be provided.
- 10 The Planning Board shall consider whether any site improvements are required such as landscaping or recreational space.
- 11 A north arrow must be provided on the vicinity map, especially since it is oriented differently than the subdivision map.
- 12 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.
- 13 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 14 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Carl Wright, Sloatsburg
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Department of Health
Rockland County Department of Health

Donald R. Stedje, P.L.S.
Town of Tuxedo (Orange County)

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Bennetto Persichetti

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

